

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

DALE GARCIA and JANA ARCHAMBEAU,
husband and wife,

Plaintiffs,

v.

RYAN LAYTON and JANE DOE LAYTON,
husband and wife and the marital community
thereof; ROBERT INGRAM and JANE DOE
INGRAM, husband and wife and the marital
community thereof; MICHAEL STERNBACK and
JANE DOE STERNBACK, husband and wife and
the marital community thereof; MATT NILES and
JANE DOE NILES, husband and wife and the
marital community thereof; STATE OF
WASHINGTON; WASHINGTON STATE PARKS
AND RECREATION COMMISSION; JOHN and
JANE DOES 1-20 and the marital communities
thereof, and ABC CORPORATIONS 1-10,

Defendants.

No. 3:20-cv-05945-BHS

**AMENDED COMPLAINT
FOR DAMAGES**

(CLARK COUNTY
SUPERIOR COURT CAUSE
NO. 20-2-01677-06)

COME NOW Plaintiffs, DALE GARCIA and JANA ARCHAMBEAU, by and through
their attorneys undersigned, and for causes of action against Defendants plead and allege as
follows:

I. JURISDICTION AND VENUE

Plaintiffs have withdrawn all federal claims from this action. Plaintiffs' state-law
claims for personal injury are within the jurisdiction of the State of Washington Superior
Courts. A significant part of the acts alleged herein including the injury of the plaintiffs

1 occurred in Clark County Washington, and Clark County Superior Court, in which this case
2 was originally filed is the appropriate jurisdiction and venue.

3
4 **II. PARTIES**

5 **2.1** At all times material hereto, Plaintiffs were husband and wife, residing in
6 Clark County, Washington.

7 **2.2** Ryan Layton is and was at all times material hereto a Region Manager at
8 Defendant Parks Department whose current address is believed to be in Wenatchee,
9 Washington.

10 **2.3** At all times material hereto, Defendant Layton and Jane Doe Layton, whose
11 true name is unknown, were husband and wife, and as such constituted a marital
12 community under the laws of the State of Washington. All acts performed by Defendant
13 Layton were for the benefit of the marital community.

14 **2.4** At all times material hereto, Defendant Layton was an employee and/or
15 agent of Defendant State of Washington, was acting in the course and scope of said
16 employment/agency and was acting under color of State law.

17 **2.5** Robert Ingram is and was at all times material hereto the Chief of Visitor
18 Protection and Law Enforcement for Defendant Parks Department, whose county of
19 residence is presently unknown, but is believed to be within the Western District of
20 Washington.

21 **2.6** At all times material hereto, Defendant Ingram and Jane Doe Ingram, whose
22 true name is unknown, were husband and wife, and as such constituted a marital
23 community under the laws of the State of Washington. All acts performed by Defendant
24 Ingram were for the benefit of the marital community.

1 **2.7** At all times material hereto, Defendant Ingram was an employee and/or
2 agent of Defendant State of Washington, was acting in the course and scope of said
3 employment/agency and was acting under color of State law.

4 **2.8** Defendant Michael Sternback is and at all relevant times was Assistant
5 Director Operations for Defendant Parks Department, whose county of residence is
6 presently unknown but is believed to be within the Western District of Washington.

7 **2.9** At all times material hereto, Defendant Sternback and Jane Doe Sternback,
8 whose true name is unknown, were husband and wife, and as such constituted a marital
9 community under the laws of the State of Washington. All acts performed by Defendant
10 Sternback were for the benefit of the marital community.

11 **2.10** At all times material hereto, Defendant Sternback was an employee and/or
12 agent of Defendant State of Washington, was acting in the course and scope of said
13 employment/agency and was acting under color of State law.

14 **2.11** Defendant Matt Niles was at all times material hereto the Southwest Region
15 Manager for Defendant Parks Department whose county of residence is presently unknown,
16 but is believed to be within the Western District of Washington.

17 **2.12** At all times material hereto, Defendant Matt Niles and Jane Doe Niles were
18 husband and wife, and as such constituted a marital community under the laws of the State
19 of Washington. All acts performed by Defendant Matt Niles were for the benefit of the
20 marital community.

21 **2.13** At all times material hereto, Defendant Niles was an employee and/or agent
22 of Defendant State of Washington, was acting in the course and scope of said
23 employment/agency and was acting under color of State law.

24 **2.14** Defendant State of Washington is a sovereign state and has by law consented
25 to be sued.

1 a history of repeated improper violence towards park patrons, and said tendency and said
2 history of violence were well known to all Defendants. Notwithstanding this knowledge, the
3 individual defendants failed to take appropriate steps to retrain, restrain or otherwise
4 discipline Benenati so as to mitigate the clear danger he presented to the public, instead
5 maintaining him in his position as an armed Park Ranger, all in reckless disregard of the
6 rights of the park-going public.
7

8 **3.2** On or about June 9, 2018 Plaintiff Jana Archambeau was transporting her son
9 to a campsite at Paradise Point State Park and mistakenly drove down a one-way park road.
10 She was stopped by Park Ranger Benenati who had her pull over to a small parking area.
11 Ms. Archambeau stepped out of her car and was pushed back into the car by Benenati, who
12 told her to provide license, registration and insurance.
13

14 **3.3** Notwithstanding the fact that Ms. Archambeau committed traffic infractions at
15 worst, Benanti made her park her car and kept her near the campsite for approximately 45
16 minutes, rather than just writing her an infraction and releasing her.

17 **3.4** Because her insurance card was not current, Ms. Archambeau called her
18 husband, plaintiff Dale Garcia, and asked him to bring the current one. Approximately 40 to
19 45 minutes later Mr. Garcia arrived and parked by the entrance of the park and began
20 walking to where his wife was parked.
21

22 **3.5** Defendant Benenati immediately told Mr. Garcia to leave and without
23 provocation deployed his Taser on Mr. Garcia, then Tased him again, pepper sprayed both
24 the Plaintiffs; and beat the unarmed Mr. Garcia repeatedly with his metal baton.
25
26

1 **3.6** Ms. Archambeau tried to come to her husband's aid and Benenati hit her with
2 the baton as well.

3 **3.7** Benenati then pulled his loaded handgun and pointed it at Mr. Garcia and Ms.
4 Archambeau. Neither Mr. Garcia nor Ms. Archambeau were armed, nor did either pose any
5 danger to Benenati or anyone else, and there was no justification for Benenati's offer of
6 deadly force.
7

8 **3.8** Benenati then continued to beat Mr. Garcia with his ASP, while Garcia was
9 retreating in an attempt to avoid further injury. Benenati arrested Mr. Garcia, turned him over
10 to transporting officers, filed a false police report and initiated false criminal actions against
11 Mr. Garcia, charging him with Assault III and Resisting Arrest. He was transported to Clark
12 County Jail and was released June 11, 2018, with directions to appear in court on June 22,
13 2018.
14

15 **3.9** Mr. Garcia appeared in Court on June 22, 2018, at which time the prosecuting
16 attorney determined not to file any charges against Mr. Garcia, nor has any been filed against
17 him since.

18 **3.10** As a proximate result of the actions of Defendant Benenati, Mr. Garcia
19 sustained acute fractures of the left anterior fourth through sixth ribs; an open displaced
20 oblique fracture of shaft of his left ulna; head injury and scalp lacerations requiring 7 staples
21 to close and a collapsed lung. Ms. Archambeau suffered bruises and extreme psychological
22 distress and exacerbation of a pre-existing emotional and psychological condition.
23

24 **3.11** As a proximate result of the actions of the other individually named
25 defendants both of the Plaintiffs suffered damages as set out above and more fully below.
26

IV. LIABILITY AND CAUSES OF ACTION

First Cause of Action: Common Law Negligent/Intentional Infliction of Severe Emotional Distress; Outrage

By this reference, Plaintiffs incorporate each and every allegation set forth in the preceding paragraphs.

4.1 Benenati, by his conduct, intentionally, or with reckless indifference to the well-being of plaintiffs, inflicted severe emotional distress on plaintiffs.

4.2 The actions alleged above are so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and be regarded as atrocious and utterly intolerable in a civilized community.

4.3 As a direct and proximate result of the aforementioned acts and conduct of Benenati, Plaintiffs suffered extreme, severe and ongoing emotional distress.

4.4 Defendants State of Washington and Parks Department are vicariously liable for the acts of Benenati their agent and/or employee.

Second Cause of Action: Common Law False Arrest and False Imprisonment

4.5 By this reference, plaintiff incorporates each and every factual allegation set forth above.

4.6 The actions of Benenati alleged above constitute false arrest and false imprisonment for which the defendants are liable to plaintiff Garcia.

4.7 Defendants State of Washington and Parks Department are vicariously liable for the acts of Benenati their agent and/or employee.

Third Cause of Action: Common Law Malicious Prosecution

1 **4.8** By this reference, plaintiff incorporates each and every factual allegation set
2 forth above.

3 **4.9** Benenati, without just cause instituted charges against plaintiff Garcia for
4 which there was **no** probable cause.

5 **4.10** The charges against plaintiff were brought with malice.

6 **4.11** The charges against plaintiff were abandoned.

7 **4.12** Defendants State of Washington and Parks Department are vicariously liable
8 for the acts of Benenati their agent and/or employee

9
10 **Fourth Cause of Action: Common Law Assault and Battery**

11 **4.13** By this reference, Plaintiff incorporates each and every factual allegation set
12 forth above.

13 **4.14** Benenati intentionally acted to put plaintiffs in fear of injury, and in fact
14 struck and injured both plaintiffs without provocation or justification.

15 **4.15** As a result of these actions of Benenati, plaintiffs were injured.

16 **4.16** Defendants State of Washington and Parks Department are vicariously liable
17 for the acts of Benenati their agent and/or employees.

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19
20 **Fifth Cause of Action: Negligence**

21 **4.17** By this reference, Plaintiff incorporates each and every factual allegation set
22 forth above.

23 **4.18** Defendants Layton, Ingram, and Steinbach, and JOHN and JANE DOES 1-10
24 and by them Defendants State of Washington and Parks Department knew and/or should
25
26

4.19 Defendants State of Washington and Parks Department had a special relationship with Benenati, so as to create a duty to take reasonable care to so control Benenati as to prevent his causing harm to others. Nonetheless, defendants failed to exercise reasonable care to supervise, train and/or control Benenati so as to prevent harm to park visitors at Benenati's hands.

5.1 As a direct and proximate result of the negligence of the defendants, and each of them, Plaintiff, Dale Garcia has suffered and will suffer the following damages:

- 5.2** As a direct and proximate result of the negligence of the defendants, and each of them, Plaintiff, Jana Archambeau has suffered and will suffer the following damages:

- AMENDED COMPLAINT FOR DAMAGES

VI. PRAYER FOR RELIEF

6.1 WHEREFORE, plaintiff prays for judgment against defendants and each of them for the items of damages set forth in paragraphs 6.1 and 6.2 above, and for costs, disbursements, attorney's fees, and any other items of damage appropriate in the premises.

DATED this 17th day of March, 2021.

LEEMON + ROYER, PLLC



Mark Leemon. WSBA #5005
Counsel for Plaintiffs

PFAU COCHRAN VERTETIS AMALA, PLLC

Tom Vertetis, WSBA #29805
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I caused to be electronically filed the foregoing document with the Clerk of the Court and served Defendant via email at the following:

Stewart A. Estes
KEATING, BUCKLIN & McCORMACK, INC.
801 Second Ave., Ste. 1210
Seattle, WA 98104
sestes@kbmlawyers.com

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: 3/17/21

Diane Oggoian
Diane Oggoian, Paralegal